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09/869,533	09/11/2001	Jan Wietze Huisman	VERTIS-3(P10	4385

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EXAMINER

HEITBRINK, JILL LYNNE

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,533

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

Jill L. Heitbrink

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restrictions***

1. Applicant's election of Group I, claims 1-40 in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Non-elected claims 41-50 have been cancelled.

***Specification***

2. The disclosure is objected to because of the following informalities: The specification should not refers to specific claim numbers which may change, renumbered, or be cancelled during the prosecution of the application, such as on page 1, line 4, page 3, line 20, page 4....

Appropriate correction is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

***Claim Objections***

5. Claim 32 is objected to because of the following informalities: a dependent claim may refer to any preceding independent claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
7. Claims 1-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Regarding claim 1, line 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). The claims are being examined based on the limitation of "starch".
9. Claim 1 is confusing as to whether a mass, line 1, is both the first mass and the second mass.
10. Claim 1 recites the limitation "the first mass" in line 9. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 1, line 9 "at least one part" is unclear since this is formed from the first mass and the claim also has at least one first part formed of a second mass.

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12. Claim 1, lines 6 and 10 "relevant" is unclear as to what portion is relevant. This term is indefinite throughout the claims.

13. Claim 2, line 3 "obtained and/or maintained herein" is unclear as to how this function is provided.

14. Claim 3, line 2-3 "relatively much" and "so much" are unclear and indefinite.

15. Claim 4, line 2-4 "relatively little" and "small amount" are unclear and indefinite.

16. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 102***

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Andersen et al. Pat. No. 5,776,388. Andersen et al. disclose a method for manufacturing hinged products wherein a mass, including starch, is brought into a mold and heated, col.17, lines 6-27. The material composition is influenced such that the material properties of the first part deviate from the material properties of parts adjoining

the first part, i.e. hinge and clamshell have different material properties in Andersen et al.

19. Claims 1-40 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arentsen et al. WO 98/13184 (PCT/NL96/00377) Arentsen et al. disclose a method for manufacturing packaging material products, page 47, lines 5-18, wherein a mass, including starch, is brought into a mold and heated, abstract. The material composition is influenced such that the material properties of the first part deviate from the material properties of parts adjoining the first part.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al. Pat. No. 5,776,388 taken together with Pahl et al. Pat. No. 3,954,926.

22. Claims 1-40 is being examined based on the first mass having a different composition from the second mass before the first mass and second mass are brought into or through a mold.

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23. Andersen et al. disclose a method for manufacturing hinged products wherein a mass, including starch, is brought into a mold and heated, col.17, lines 6-27. The material composition is influenced such that the material properties of the first part deviate from the material properties of parts adjoining the first part, i.e. hinge and clamshell have different material properties in Andersen et al. A second mass having a composition different from that of the first mass from which form the parts is disclosed by the heating of the molds which dries out the starch binder, col. 18, lines 32-48. Pahl et al. teach the molding of a composite foamed structure wherein rather than the temperature of the mold forming the skin material, a second material is injected to form the skin surface on the first foamed material. Both Andersen and Pahl deal with the injection molding of foamable material with the formation of a skin layer. It would have been obvious to a person of ordinary skill in the art to use two different composition to obtain the two different properties of the material in Andersen in view of the teaching of Pahl et al. since the injection molding techniques for injecting two material with in a single cavity are known when producing products with different properties in different regions of the product. Andersen discloses the coating of the molded parts, cols. 23-26.

24. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arentsen et al. WO 98/13184 (PCT/NL96/00377) taken together with Pahl et al. Pat. No. 3,954,926.

25. Claims 1-40 is being examined based on the first mass having a different composition from the second mass before the first mass and second mass are brought into or through a mold.

26. Arentsen et al. disclose a method for manufacturing packaging material products, page 47, lines 5-18, wherein a mass, including starch, is brought into a mold and heated, abstract. The material composition is influenced such that the material properties of the first part deviate from the material properties of parts adjoining the first part. Pahl et al. teach the molding of a composite foamed structure wherein rather than the temperature of the mold forming the skin material, a second material is injected to form the skin surface on the first foamed material. Both Arentsen and Pahl deal with the injection molding of foamable material with the formation of a skin layer. It would have been obvious to a person of ordinary skill in the art to use two different composition to obtain the two different properties of the material in Arentsen in view of the teaching of Pahl et al. since the injection molding techniques for injecting two material within a single cavity are known when producing products with different properties in different regions of the product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill L. Heitbrink whose telephone number is 703-308-0673. The examiner can normally be reached on Monday - Friday 9:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on 703-305-5493. The fax phone



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number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jill L. Heitbrink  
Primary Examiner  
Art Unit 1732

jlh